

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOREN JAMES RIDER,

Defendant.

CR 16-17-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Loren James Rider (Rider) has been accused of violating the conditions of his supervised release. Rider admitted the alleged violations. Rider's supervised release should be revoked. Rider should be placed in custody for 6 months, with 27 months of supervised release to follow.

**II. Status**

Rider pleaded guilty to Assault Resulting in Serious Bodily Injury on April 26, 2016. (Doc. 51). The Court sentenced Rider to 25 months of custody, followed by 3 years of supervised release. (Doc. 96). Rider's current term of supervised release began on July 25, 2018. (Doc. 138 at 1).

### **Petition**

The United States Probation Office filed a Petition on November 6, 2018, requesting that the Court revoke Rider's supervised release. (Doc. 138). The Petition alleges that Rider violated the conditions of his supervised release: 1) by failing to report for substance abuse treatment; 2) by failing to report to his probation officer as directed; and 3) by failing to report for substance abuse testing. (Doc. 138 at 2). United States District Judge Brian Morris issued a warrant for Rider's arrest on November 6, 2018. (Doc. 139).

### **Initial appearance**

Rider appeared before the undersigned for his initial appearance on December 6, 2018. Rider was represented by counsel. Rider stated that he had read the petition and that he understood the allegations. Rider waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on December 6, 2018. Rider admitted that he had violated the conditions of his supervised release: 1) by failing to report for substance abuse treatment; 2) by failing to report to his probation officer as directed; and 3) by failing to report for substance abuse testing. The violations are serious and warrant revocation of Rider's supervised release.

Rider's violation is a Grade C violation. Rider's criminal history category is IV. Rider's underlying offense is a Class C felony. Rider could be incarcerated for up to 24 months. Rider could be ordered to remain on supervised release for up to 33 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 6 to 12 months.

Rider requested a term of custody no greater than 6 months. The government requested a term of custody at the high-end of the guideline range.

### **III. Analysis**

Rider's supervised release should be revoked. Rider should be incarcerated for 6 months, with 27 months of supervised release to follow. The supervised release conditions imposed previously should be continued. This sentence is sufficient but not greater than necessary.

### **IV. Conclusion**

The Court informed Rider that the above sentence would be recommended to Judge Morris. The Court also informed Rider of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Rider that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS:**

That Loren James Rider violated the conditions of his supervised release by failing to report for substance abuse treatment, by failing to report to his probation officer as directed, and by failing to report for substance abuse testing.

The Court **RECOMMENDS:**

That the District Court revoke Rider's supervised release and commit Rider to the custody of the United States Bureau of Prisons for a term of imprisonment of 6 months, with 27 months of supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge, and may waive the right to appear and allocute before a district judge.

DATED this 7th day of December, 2018.

  
John Johnston  
United States Magistrate Judge